

United States District Court

Northern District of New York

THE OFFICIAL COMMITTEE OF
UNSECURED CREDITORS OF
ENDICOTT JOHNSON CORP.;
HM FATHER AND SON SHOE
INC.; FATHER & SON SHOE
STORES, CO.

vs.

GEORGE NEWMAN, and GEORGE
NEWMAN & COMPANY, and
NEWMAN PROPERTIES, LTD.

CERTIFICATION OF JUDGMENT FOR REGISTRATION IN ANOTHER DISTRICT

Case No. 6:04-MC-0021 DNH

04 MBD 10113

I, Lawrence K. Baerman, Clerk of this United States District Court, certify that the attached MEMORANDUM-DECISION, FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER is a true and correct copy of the original Order entered in this action on March 5, 2004, as it appears in the records of this court, and that

No notice of appeal from this judgment has been filed, and no motion of any kind listed in Rule 4(a) of the Federal Rules of Appellate Procedure has been filed.

IN TESTIMONY WHEREOF, I sign my name and affix the seal of this Court on
April 1, 2004.

(Date)

LAWRENCE K. BAERMAN, CLERK

By: 
Deputy Clerk

Insert the appropriate language: "no notice of appeal from this judgment has been filed, and no motion of any kind listed in Rule 4(a) of the Federal Rules of Appellate Procedure has been filed." ... "no notice of appeal from this judgment has been filed, and any motions of the kinds listed in Rule 4(a) of the Federal Rules of Appellate Procedure [] have been disposed of, the latest order disposing of such a motion having been entered on [date]." ... "an appeal was taken from this judgment and the judgment was affirmed by mandate of the Court of Appeals issued on [date]." ... "an appeal was taken from this judgment and the appeal was dismissed by order entered on [date]."

[*Note: The motions listed in Rule 4(a) of the Federal Rules of Appellate Procedure are motions: for judgment notwithstanding the verdict; to amend or make additional findings of fact; to alter or amend the judgment; for a new trial; and for an extension of time for filing a notice of appeal.]

Index No. _____

TRANSCRIPT OF JUDGMENT

CIVIL PROCEEDINGS JUDGMENT DEBTOR(S)

04 MBD 10113

1. George Newman
2. George Newman & Company a/k/a George Newman Company
3. Newman Properties, Ltd.

JUDGMENT CREDITOR(S)

The Official Committee of Unsecured Creditors of:

1. Endicott Johnson Corporation
2. HM Father and Son Shoe, Inc.
3. Father & Son Shoe Stores, Co.

ATTORNEY(S) FOR DEBTOR(S)

1. David M. Capriotti, Esq. and Wendy A. Kinsella, Esq.; Martin, Martin Law Firm;
One Lincoln Center; Syracuse, NY 13202.

ATTORNEY(S) FOR CREDITOR(S)

1. Ronald R. Sussman, Esq. and Gregory G. Plotko, Esq.; Kronish, Lieb Law Firm;
1114 Avenue of the Americas; New York, NY 10036.

Judgment Rendered: March 5, 2004
Judgment Docketed: March 9, 2004

COURT: U.S. DISTRICT COURT - Northern District of New York
CASE NUMBER: 6:04-MC-0021 (DNH)

AMOUNT OF JUDGMENT: Damages: \$ 2,972,309.81 (judgment on 1st &
2nd Causes of Action)

2,797.32 (judgment on 3rd Cause of
Action)

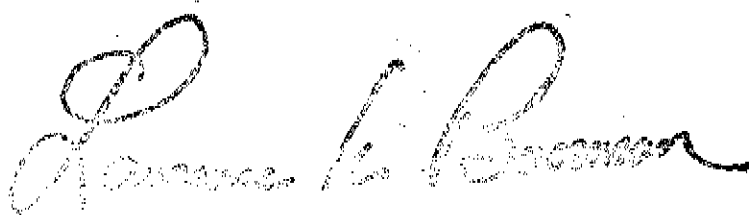
187,224.17 (judgment on the 8th Cause
of Action)

TOTAL \$ 3,162,331.30

Remarks: The 4th, 5th, 6th, 7th, 9th, 10th, 11th, and 12th Causes of Action are Dismissed.

I, LAWRENCE K. BAERMAN, Clerk of the District Court of the Northern District of New York, hereby certify that the above is a correct transcript from the Docket of Judgments in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court at the City of Utica, NY, this 9th day of March, 2004.

A handwritten signature in cursive script, appearing to read "Lawrence K. Baerman". The signature is written in dark ink on a light background.

LAWRENCE K. BAERMAN, CLERK

see

ORDERED that on the First Cause of Action, judgment is rendered in favor of the Plaintiff, and the Court finds that the sums transferred to Newman and GNC, totaling \$2,972,309.81 were loans, for which Newman and GNC are liable;

ORDERED on the Second Cause of Action, judgment is rendered in favor of the Plaintiff pursuant to Code § 542 and Newman and GNC are ordered to turn over to the Plaintiff for the benefit of the creditors the sum of \$2,972,309.81 for which they were found to be liable in the First Cause of Action;

ORDERED on the Third Cause of Action, judgment is rendered in favor of the Plaintiff in the amount of \$2,797.32 pursuant to Code §§ 547 and 550;

ORDERED that the Fourth, Fifth, Sixth, Seventh Causes of Action, pursuant to Code § 548(a)(1), as well as the Eleventh Cause of Action, pursuant to Code § 544 and NYD&CL § 276, are hereby dismissed;

ORDERED that on the Eighth Cause of Action, judgment is rendered in favor of the Plaintiff in the amount of \$187,224.17 pursuant to Code § 544 and NYD&CL § 273;

ORDERED that the Ninth and Tenth Causes of Action pursuant to Code § 544 and NYD&CL §§ 274 and 275 are dismissed; and it is finally

ORDERED that the Twelfth Cause of Action based on breach of fiduciary duty is dismissed.

Dated at Utica, New York

this 26th day of January 2004



STEPHEN D. GERLING
Chief U.S. Bankruptcy Judge

ENTERED ON DOCKET

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INITIALS:

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